GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted over the Boarder Check Post of Commercial Tax Department, Tadukupeta, Chittoor District on 10/11-03-2016 – Allegations of Corruption – Common disciplinary proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Article of Charges framed against Smt D. Rajani, Assistant Commercial Tax officer, Border Check Post, Commercial Tax Department, Tadukupeta, Nagari Mandal, Chittoor District - Orders – Issued.

REVENUE (VIGILANCE–II) DEPARTMENT

G.O.Rt.No.9 Dated:04 -01-2017
Read the following:

Ref: 1.From Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad C.No.166/DES-TCT/2015, dt:9.05.16.
2. From CCT Lr.No.V3/120/2016, Dt.26.09.2016.
3.G.O.Ms.No.7, Revenue (Vigilance–II) Department,Dated:04-01-2017.

******

O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference 3rd read above, it is considered necessary to hold an enquiry against Smt. D.Rajani, Assistant Commercial Tax officer, Border Check Post, Commercial Tax Department, Tadukupeta, Nagari Mandal, Chittoor District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Smt. D.Rajani, Assistant Commercial Tax officer, Border Check post, Commercial Tax Department, Tadukupeta, Nagari Mandal, Chittoor District is directed to submit within ten days of the receipt of this order a written statement of her defense.

4. She is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. She should, therefore, specifically admit or deny each article of charge.

5. Smt. D.Rajani, Assistant Commercial Tax officer, Border Check post, Commercial Tax Department, Tadukupeta, Nagari Mandal, Chittoor District is further informed that if she does not submit her written statement of defense on or before the date specified in para 2 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against her ex-parte.

[Continued..]

6. Attention of Smt. D.Rajani, Assistant Commercial Tax officer, Border Check post, Commercial Tax Department, Tadukupeta, Nagari Mandal, Chittoor District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to his service under Government. If any representation is received on her behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that she is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Smt D.Rajani, Assistant Commercial Tax officer, Border Check post, Commercial Tax Department, Tadukupeta, Nagari Mandal, Chittoor District (with Enclosers Annexures I to IV)
through Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to

The Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada
The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Velagapudi.
The Director General, Anti Corruption Bureau,
Andhra Pradesh, Pandit Nehru Bus Station, NTR Administrative Block, 2nd Floor, Vijayawada.
The Deputy Commissioner, Commercial Taxes, Chittoor.
SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE -I

ARTICLES OF CHARGES FRAMED AGAINST SMT. DORASWAMI RAJANI. AGE-39, W/o. KAPULURU CHENGALRAYALU, ASSISTANT COMMERCIAL TAXES OFFICER , BOARDER CHECK POST, TADUKUPETA, NAGARI MANDAL, CHITTOOR DISTRICT.

That Smt D.Rajani having joined Government Service as Junior Assistant. on 14-10-1994 in Commercial Taxes Department and she got promotion as Assistant Commercial Taxes Officer on 04-07-2009. She worked in the above capacities at various places in Chittoor District. She worked as Assistant Commercial Tax Officer, Border check post, Commercial Taxes Department, Tadukupeta, Chittoor District from 24-12-2015 to 10-03-2016, here-in-after referred to as Government Servant.

CHARGE:I

That the Government Servant Smt. D.Rajani, while she was working as Asst. Commercial Taxes officer, Border Check post, Commercial Tax Department, Tadukupeta, Nagari Mandal , Chittoor District from 24-12-2015 to 10-03-2016, she has committed grave misconduct as much as in collusion with other staff engaged 03 private persons to work in the check post and also allowed to collect illegal amounts in the check post from the drivers / cleaners of the vehicles passing through the check post. During surprise check an unaccounted amount of Rs.14,900/- was found in the possession of Sri. A.Yahiyakhan, Ex Generator Operator and now Private Person, an amount of Rs.2,550/- was found in the possession of Sri. P.Bhaskharan, Private Person and an amount of Rs.300/- was found in the possession of Smt. Y.S.Rajeswari, Private person and same was seized. During the Surprise Check an unaccounted amount of Rs. 5,490/- is found under the Computer table of the Computer room and an un accounted amount of Rs. 6,600/- is found in the table draw located in the South-West corner of the thatched roof varendah and no office staff or private persons has claimed or accounted for the above cash , which proves that he allowed corrupt practices.

CHARGE-II

That the Government Servant Smt. D. Rajani while he was working as Assistant Commercial Taxes officer, Border Check post, Commercial Tax Department, Tadukupeta, Nagari Mandal , Chittoor District from 24-12-2015 to 10-03-2016, she has committed grave misconduct in as much as allowed all Junior Commercial Taxes Inspector to work continuously for 24 hrs at the check post and violated the instructions issued by the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad vide Commissioner of Commercial Tax's Ref.No.Enft/D2/421/2007, dated.30.9.2010. In this memo Commissioner of Commercial Taxes instructed to the Deputy Commissioners can fix different shift timings in consultation with staff but each shift duration shall not exceed 12 hours.

CHARGE-III

That the Government Servant Smt. D.Rajani , being a supervisory officer, she utterly failed to monitor the staff working under her in the check post giving an ample scope for the subordinates, who resort to corrupt practices and thereby she failed to take all possible steps to ensure the integrity and devotion to duty of all the Government servants for the time being under his control and authority and thereby contravened Rule 3 (1), (2), (5) , 9(8A) of Andhra Pradesh civil services (Conduct) Rules, 1964.

Thus, Smt. D.Rajani by her above mentioned acts has exhibited lack of Supervision, lack of integrity, devotion to duty, conduct unbecoming of a Government servant and thereby contravened Rule 3 (1), (2) & (5) of Andhra Pradesh civil services (Conduct) Rules, 1964.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCODUCT AND MISBEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGES FRAMED SMT. DORASWAMI RAJANI, AGE-39, W/O. KAPULURU CHENGALRAYALU, ASST. COMMERCIAL TAXES OFFICER, BOARDER CHECK POST, TADUKUPETA, NAGARI MANDAL, CHITTOOR DISTRICT.

Smt. D. Rajani is a native of Chittoor, Chittoor District. Her date of birth is 01-06-1976. She entered into Government Service as Junior Typist on 14-10-1994 in Commercial Taxes Department and she got promotion as Assistant Commercial Taxes Officer on 04-07-2009. She worked in the above capacities at various places in Chittoor District. She was worked as Assistant Commercial Taxes officer, Border Check post, Commercial Tax Department, Tadukupeta, Chittoor District from 24-12-2015 to 10-03-2016. She was drawing a basic pay of Rs.39,160/- and scale 28,940/- to 78,910/- as on 10-03-2016. Her superannuation is on 31-05-2036. She is here-in-after referred to as Government Servant.

CHARGE-I

That the Government Servant Smt. D. Rajani, while she was working as Assistant Commercial Taxes officer, Border Check post, Commercial Tax Department, Tadukupeta, Nagari Mandal, Chittoor District from 24-12-2015 to 10-03-2016, she has committed grave misconduct in as much as in collusion with other staff engaged 03 private persons to work in the check post and also allowed to collect illegal amounts in the check post from the drivers/cleaners of the vehicles passing through the check post. During surprise check an unaccounted amount of Rs.14,900**/-** was found in the possession of Sri. A.Yahiyakhan, Ex Generator Operator and now Private Person, an amount of Rs.2,550/- was found in the possession of Sri. P.Bhaskharan, Private Person and an amount of Rs.300/- was found in the possession of Smt. Y.S.Rajeswari, Private person and same was seized. During the Surprise Check an unaccounted amount of Rs. 5,490/- is found under the Computer table of the Computer room and an un accounted amount of Rs. 6,600/- is found in the table draw located in the South-West corner of the thatched roof varendah and no office staff or private persons has claimed or accounted for the above cash which proves that she engaged in corrupt practices along with other officials. Thus SO Violated the provisions laid down under Rule 3 (1) & (2) of APCS (Conduct) Rules, 1964.

FACTS AND EVIDENCE:-

On 10-03-2016 from 19-45 hrs to 23-00 hrs a Surprise Check was conducted by a Team of officials of Anti Corruption Bureau, Tirupati in the presence of mediators. On approaching the check post noticed one Sri Puttur Bhaskaran, Private Person standing in front of the check post on the road with a whistle in his hand and stopping the vehicle passing on the Chennai-Tirupati road by blowing whistle. Smt D.Rajani, Assistant Commercial Tax Officer, S.Akhila Sultana, Office Sub-ordinate and A.Yahiyakhan, Ex-generator operator and private persons were found sitting in the verandah and collecting amounts form the lorry drivers/cleaners.

Apart from the persons mentioned above Sri Daggubati Prem Sai, HCL services was found sitting in the computer room counter located at the western portion of the check post and Sri Aluru Subbaram, Junior CTI was found sleeping in the middle room of the checkpost. Smt Yanadi Rajeswari, Private person found present in the Eastern room of the check post. On searching private persons Sri A. Yahiyakhan, an unaccounted amount of Rs.14,900/- was found in his possession. On searching Sri P. Bhaskaran found an unaccounted amount of Rs. 2,550/-in his possession. On searching female private person Y.S.Rajeswari was found possession of an unaccounted amount of Rs. 300/-. Further on searching staff of the check post, Sri A.Subbaram, Jr.CTI was found an unaccounted amount of Rs. 2250/- in his possession. The DSP, ACB seized an un accounted amount of Rs.14,900/-, 2,550/- , 300/- and 2250/- available with them for taking further action. When the three private persons were examined, they stated that they are working in the check post since last 3 months and are being engaged by the V.G.Ramesh, DCTO & D.Rajani, ACTO for collection of bribe amount from the lorry drivers/ cleaners and for keeping the bribe amount with them, for that they are being paid an amount of Rs.350/- per day from the collected bribes and etc., facts.

A thorough search was conducted by the ACB Officials along with mediators in the premises of the check post. During the search an unaccounted amount of Rs. 5490/- is found under the Computer table of the Computer room and an un accounted amount of Rs. 6600/- is found in the table draw located in the South-West corner of the thatched roof varendah. Since, no office staff or private person has claimed or accounted for the above cash, it is seized by DSP, ACB for taking further action. During the surprise check a total amount of Rs. 32, 090/- unaccounted amount was collected as bribe was seized in the presence of mediators

The DSP, ACB examined the following truck drivers/ cleaners and their statements were recorded and duly attested by the mediators.

1. Sri. Gummadi Gopi, S/o G.Krishnamurthy, age 40 years, Driver of Lorry AP 03 TV7346, R/o D.No: 323, Kayampeta village, Tirupati Rural Mandal, Chittoor District, DL No: 1183/TPT/1995, Cell No: 9440242921.
2. Sri. Salava Chandrasekhar, S/o late Gangulaiah, age 36 yrs. Driver of Lorry AP 04 V 3393, R/o D.No: 26/1, Gundlapalle village, T.Sundupalle Mandal, YSR District, Cell No: 9177431433, DL No: 222596/CDP.
3. Sri. Bemineni Nagaraja, S/o Narayana, 35 years, Driver of Lorry AP 16 TX 0149, R/o 6/950, Nunivaripalle village, Rajampet, YSR District, cell No: 9963377830, DLDLFA P00459562009.
4. Sri. Bathala Guravaiah, S/o late Siddaiah, age 50 years, Driver of lorry AP 16 TD 1479, R/o D.No: 28-445/9, Gangannapalle, Chittoor town and District, Cell No:72071452211 DL : AP00319880001295.

The gist of their statements is that they regularly used to pass through this Border Check Post, Tadukupeta , Nagari Mandal, Chittoor for that they need to get it verify their records by the CT officials and get stamp on the papers. For that even though they are having all the valid records the Commercial Tax officials at the check post use to collect Rs. 100/- to 300/- per vehicle to pass through their check post, if they does not pay at counters, they will be harassed in the name of checking and registering case etc., facts.

CHARGE-II

That the Government Servant Smt. D. Rajani while he was working as Asst. Commercial Taxes officer, Border Check post, Commercial Tax Department, Tadukupeta, Nagari Mandal , Chittoor District from 24-12-2015 to 10-03-2016, she has committed grave misconduct in as much as allowed all Jr. Commercial Taxes Inspector to work continuously for 24 hrs at the check post and violated the instructions issued by the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad vide Commissioner of Commercial Taxes Ref.No.Enft/D2/421/2007, dt 30.9.2010. In this memo Commissioner of Commercial Taxes instructed to the Deputy Commissioners can fix different shift timings in consultation with staff but each shift duration shall not exceed 12 hours. Thus Section Officer violated the provisions laid down under Rule 3 (1), (2) of APCS (Conduct) Rules, 1964.

FACTS AND EVIDENCE:-

On 10-03-2016 from 19-45 hrs to 23-00 hrs a Surprise Check was conducted by a Team of officials of ACB, Tirupati in the presence of mediators. The DSP, ACB secured the following Registers and the details are follows-

1. **Personal Cash Declaration Register:-** The register is being maintained from 1- 1-2016 to till date and written up to page No.68, Dt. 10-03-2016. The Jr. CTI Sri. A.Subbaram has not declared the Personal cash in the register.
2. **Duty Register:-** The register is being maintained from 01-01-2016 to till date. On perusal all the staff are present as per the register. On perusal of the Duty Register it is observed that all Jr. CTI are being allotted 24 hours duty, which is against the working rules.

Then DSP, ACB, Tirupati seized the registers from Sl.No.1 to Sl. No.2 after having due attestation by the mediator and the DSP for taking further action.

CHARGE:III

That the government Servant Smt. D. Rajani, being a supervisory officer, she utterly failed to monitor the staff working under her in the check post giving an ample scope for the subordinates, who resort to corrupt practices and thereby she failed to take all possible steps to ensure the integrity and devotion to duty of all the Government servants for the time being under his control and authority. Thus SO violated the provisions laid down under Rule 3 (1), (2) and (5) of APCS (Conduct) Rules, 1964

FACTS AND EVIDENCE:-

On 10-03-2016 from 19-45 hrs to 23-00 hrs a Surprise Check was conducted by a Team of officials of ACB, Tirupati in the presence of mediators. On approaching the check post noticed one Sri Puttur Bhaskaran, Private Person standing in front of the check post on the road with a whistle in his hand and stopping the vehicle passing on the Chennai-tirupati road by blowing whistle. Smt D.Rajani, ACTO, S.Akhila Sultana, Office Sub-ordinate and A.Yahiyakhan, Ex-generator operator and private person private persons were found sitting in the verandah and collecting amounts from the lorry drivers/cleaners.

As per Rule 3 (5) of APCS Conduct Rules, 1964, the Government Servant Smt.D. Rajini ACTO, who being the in -charge of the check post shall take all possible steps to ensure the integrity and devotion to duty of all the Government Servants for the time being under his control and

authority. Whereas the Government Servant showed utter disregard to these conduct rules and failed as a supervisory Officer.

The facts and material gathered so revealed that the Government Servant Smt. D. Rajani, Asst. Commercial Taxes Officer , BCP, C.T. Dept. Tadukupeta, Nagari Mandal, Chittoor District has committed the grave misconduct.

Thus, the Government Servant Smt D. Rajani by her above mentioned act has exhibited lack of supervision, lack of integrity, devotion to duty and conduct, unbecoming of Government Servant and thereby violated Rule 3(1) , (2) & (5) of APCS (Conduct) Rules, 1964.

The Government Servant has therefore rendered herself liable for regular Departmental Action.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE — III

LIST OF WITNESSES:

(1) Sri Uppala Venkataramana, Age-35, S/o. Late U. Venkatasubbaiah, Assistant Executive Engineer, O/o, Deputy Executive Engineer, Irrigation Sub-Division, Old maternity hospital road, Tirupati, R/o. D.No.2-191, Yerramitta, Tirupati, Cell No. 9701376087, 8106340999.(Mediator-l)

(2) Sri Ramapuram Bharath Kumar, Age-30, S/o. Late R. J. Prasad, Junior Assistant; O/o. Exe. Engineer, Irrigation division; Tirupati, R/o. Shanthinagar, Cherlopalli Post, Puttur, Cell No. 9703006900, 8686490909. (Mediator-II)

(3) Sri A. Sankar Reddy, Dy. Supdt of Police, ACB, Tirupati Range, Tirupati.(Investigating Officer)

(4) Sri M.Sudhakara Reddy, inspector of Police, ACB, Tirupati Range, Tirupati. (Investigating Officer)

(5) The Dy.Commissioner of Commercial Taxes, Chittoor district.

(6) Sri. Gummadi Gopi, S/o G.Krishnamurthy, age 40 years, Driver of Lorry AP 03 TV7346, R/o D.No: 323, kayampeta village, Tirupati Rural Mandal, Chittoor District, DL No : 1183/TPT/1995, Cell No: 9440242921.

(7) Sri. Salava Chandrasekhar, S/o late Gangulaiah, age 36 yrs, Driver of Lorry AP 04 Y 3393, R/o D.No: 26/1,Gundlapalle village, T.Sundupalle Mandal, YSR District, Cell No: 9177431433, DL No: 222596/CDP.

(8) Sri. Bemineni Nagaraja, S/o Narayana, 35 years, Driver of Lorry AP 16 TX 0149, R/o 6/950; Nunivaripalle village, Rajampet, YSR District, cell No: 9963377830, DLDLFA P00459562009.

(9) Sri. Bathala Guravaiah, S/o late Siddaiah, age 50 years, Driver of lorry AP 16 TD 1479. R/o D.No: 28-445/9, Gangannapalle, Chittoor town and District, Cell No: 7207145221 DL: AP00319880001295.

(10) Sri Ammavarikuppam Yahiyakhan, Age-43, S/o. Munaswami Modali, Ex-Generator Operator and now Private person, BCP, Tadukupeta, Nagari mandal, Chittoor district, R/o. D. No.1-100, keelagaram village, Narayanavanam mandal, Chittoor district, Cell No. 8686410712.

(11) Sri Daggubati Prem Sai, Age-23, S/o. D.Ravindra Prasad, Computer Operator (Associate), HCL services, Tadukupeta, R/o.D.No.6/895, R.S. Road, Rajampeta, YSR district, Cell No.9000770282, 9542187616

(12) Sri. Puttur Bhaskaran, Age-19, S/o. P. Mathaiah, Private Person, R/o. D.No.3-5, Adi Andhra Wada, Tadukupeta village and post, Nagari Mandal, Chittoor District, Cell No: 8978021568, 7097779731.

(13) Smt. Yanadi S.Rajeswari, Age-34, W/o. Y.Srinivasulu, ST colony,Tadukupeta village and post, Chittoor district.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV

LIST OF DOCUMENTS:

1. Original Surprise Check Proceedings drafted from 19-45 hrs to 23-00 hrs on 10-03-2016 at Commercial Taxes Department check post, Tadukupeta, Nagari Mandal, Chittoor District. Seized unaccounted amount of Rs.32,090/-.
2. **Personal Cash Declaration Register:-** The register is being maintained from 1-1-2016 to till date and written up to page No.68, Dt. 10-03-2016. The Jr. CTI Sri. A.Subbaram has not declared the Personal cash in the register.
3. **Duty Register:-** The register is being maintained from 01-01-2016 to till date. On perusal all the staff are present as per the register. On perusal of the Duty Register it is observed that all Jr.CTI are being allotted 24 hours duty, which is against the working rules.
4. **Monthly Duty Chart for the month of March:-** It is the computer generated sheet having mentioned duties from 01-03-2016 to 31-03-2016. On enquiry the ACTO stated that the duties in this chart are being allotted by Sri. V.G.Ramesh, DCTO of this check post. On comparison of duties mentioned in the Duty chart with the Duty register they are not in consonant with each other.
5. Letter in Rc. No. B1/114/2016 dt. 19-03-2016 of Dy. Commissioner, CT, Chittoor.
6. Statement of Sri. Gummadi Gopi, S/o G.Krishnamurthy, age 40 years, Driver of Lorry AP 03 TV7346, R/o D.No: 323, Kayampeta village, Tirupati Rural Mandal, Chittoor District, DL No: 1183/TPT/1995, Cell No: 9440242921.
7. Statement of Sri Salava Chandrasekhar, S/o late Gangulaiah, age 36 yrs, Driver of Lorry AP 04 Y 3393, R/o D.No: 26/1, Gundlapalle village, T.Sundupalle Mandal, YSR District, Cell No: 9177431433, DL No: 222596/CDP.
8. Statement of Sri Bemineni Nagaraja, S/o Narayana, 35 years, Driver of Lorry AP 16 TX 0149, R/o 6/950, Nunivaripalle village, Rajampet, YSR District, cell No: 9963377830, DLDLFA P00459562009.
9. Statement of Sri Bathala Guravaiah, S/o late Siddaiah, age 50 years, Driver of lorry AP 16 TD 1479, R/o D.No:28-445/9, Gangannapalle, Chittoor town and District, Cell No:7207145221. DL AP00319880001295.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER